

HOUSE BILL 577
By Sontany

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 131, relative to hazardous substances.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 131, is amended by adding the following language as a new, appropriately designated part:

Section 68-131-501.

(a)

(1) Any engine coolant or antifreeze sold in Tennessee after July 1, 2004, that is manufactured on or after January 1, 2004, and that contains more than ten percent (10%) ethylene glycol, shall include denatonium benzoate at a minimum of thirty (30) parts per million (1,000,000) as a bittering agent within the product so as to render it unpalatable; provided that a substitute aversive agent may be used if it meets or exceeds the degree of aversion in test subjects obtained by utilizing the formulation of thirty (30) parts per million (1,000,000) of denatonium benzoate in antifreeze.

(2) Any manufacturer or packager of a product subject to the provisions of this section shall maintain a record of the trade name, scientific name, and

active ingredients of any bittering agent used pursuant to the provisions of this section. Such information and supporting documentation shall be furnished to any member of the public upon request.

(b)

(1) A manufacturer, distributor, recycler, or seller of an automotive product that is required to contain an aversive agent pursuant to this section is not liable to any person for any personal injury, death, or property damage that results from the inclusion of denatonium benzoate in ethylene glycol antifreeze.

(2) The limitation on liability provided by this subsection is only applicable if denatonium benzoate is included in ethylene glycol antifreeze in concentrations required pursuant to subsection (a).

(3) The limitation on liability provided by this subsection does not apply if the personal injury, death, or property damage results from willful or wanton misconduct by the manufacturer, distributor, recycler, or seller of the ethylene glycol antifreeze.

(c) Subsection (a) shall not apply to:

(1) The sale of a motor vehicle that contains engine coolant or antifreeze;
or

(2) Wholesale containers of antifreeze containing fifty-five (55) gallons or more of antifreeze.

(d) A violation of any provision of this section is a Class C misdemeanor.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.